

Remarks

For the Claims:

Applicants submitted claims 1-20. This Office Action rejects claims 1-20. Applicants amend claims 1, 2, 4, 8, and 17, cancel claim 7, and add new claims 21-39. In addition, Applicants retain claims 3, 5, 6, and 9-16 and 18-20 as originally submitted. Applicants respectfully request reconsideration in view of the following remarks.

Claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,594,691. A terminal disclaimer is being filed in compliance with 37 CFR 1.321(c). Accordingly, Applicants believe the obviousness-type double patenting rejection to be overcome.

This Office Action rejects claims 1-9 and 12-20 under 35 U.S.C. 102(b) as being anticipated by Davis et al., U.S. Patent No. 5,796,952 (hereinafter Davis). Davis teaches of a method for monitoring a client interaction with a resource downloaded from a server in a computer network.

Regarding claim 1, the Office Action alleges that Davis largely teaches the invention of claim 1 and cites a passage at column 11, line 47, through col. 12, line 24, as such a teaching. Davis teaches in the cited passages that a Client downloads a web page from a first server (Server A) that includes two embedded URLs that point to two resources that reside on a second server (Server B). One of the resources is an executable program (a CGI script) that executes on Server B and returns information output from the executable program to the Client. The information

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includes a response header indicating that the return type is an image. In addition, the CGI script may monitor the number of times the Web page has been accessed in general. The other resource located on Server B is a JAVA applet. The Client computer, in attempting to render the Web page will automatically fetch the applet. After the client computer has received the JAVA applet (i.e., JAVA code) for a tracking program, the Client computer will execute the JAVA applet to track information pertaining to the Client's use of the Web page, such as duration. This duration can be sent from the Client computer to the Server B for storage and analysis.

Independent claim 1 is being amended to include the limitations of claim 7, which depended from claim 1. Accordingly, claim 7 is being canceled. In addition, claims 2 and 8 are being amended to correspond with the modifications to claim 1 and to correspond with the cancellation of claim 7. As such, independent claim 1 now includes further limitations of the first code module issuing a second command to initiate execution of the second code module, and initiating execution of the second code module at the processor platform in response to the second command.

Davis fails to teach of the first code module that issues a second command to initiate execution of the second code module, and initiating execution of the second code module at the processor platform in response to the second command, as recited in amended independent claim 1. Davis teaches of two embedded URLs that point to two resources residing on a second server. Each of these URLs could be considered a "first code module," and each of the resources could be considered a "second code module."

The first URL points to a CGI script (resource) that executes on the second server. Since the CGI script executes on the

second server instead of the client, the CGI script is not a teaching of a second code module executed at the processor platform, as recited in claim 1. Thus, the first URL and CGI script combination is not a teaching of Applicants' invention of claim 1

The second URL points to a JAVA applet tracking program (resource) that is downloaded from the second server to the client when the Web page is rendered. The term "URL" generally refers to a Uniform Resource Locator which is a location of a resource on a server. Davis affirms this common definition of URL and its use in a passage at col. 6, lines 66-67. Accordingly, the second Davis URL, if taken to be a "first code module" merely points to a location of the JAVA applet tracking program, if the applet is taken to be the "second code module." While the second Davis URL (as a first code module) embedded in a Web page may cause a second code module (the JAVA applet tracking program) to be retrieved, the URL embedded in the Web page does not issue a second command to initiate execution of the second code module, as recited in amended independent claim 1. Rather, as well known to those skilled in the art, once a JAVA applet is downloaded to a client machine, the JAVA applet is run from the JAVA enabled Web Browser.

As stated in W.L. Gore & Associates v. Garlock Inc., 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984):

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.

Davis fails to anticipate Applicants' invention of amended independent claim 1 because Davis fails to disclose a first code module that issues a second command to initiate execution of the second code module, and initiating execution of the second code

module at the processor platform in response to the second command, as recited in amended independent claim 1. As such, Applicants believe that amended independent claim 1 is not anticipated by Davis.

Nor is the invention of claim 1 rendered obvious in view of Davis. The Davis method of executing the second code module, i.e., the JAVA applet tracking program is done by using only one "load now and run" way of invocation through retrieval of the JAVA applet from a server using a URL and its subsequent execution at a client machine through a Web browser.

Accordingly, the Davis technique is limited in user flexibility and browser compatibility. In terms of flexibility, the Davis technique enables the loading of only one functional code module, i.e., the JAVA applet. This code module will primarily be the same code module, with the same content, throughout all calls to the rendering server. In addition, the Davis technique loads its "JAVA" applet into an unknown environment and begins execution. If the environment is not "JAVA" compatible, then the code may be unused and may cause the possible "crash" of the particular client machine's Web browser. Each computer system is different, and thus, each Web browser that runs on it is also different. Functions that are stable or run in one environment may not run in another. Accordingly, by using only one invocation method and step, one cannot determine the appropriate code to load.

In contrast, the Web browser does not initiate execution of the second code module in Applicants' invention of claim 1. Rather, as recited in claim 1, the first code module issues a second command to initiate execution of the second code module. Accordingly, Applicants' invention of claim 1 is an improvement over techniques such as that taught by Davis because Applicants' invention enables the appropriate controls or runtime code to be loaded in an environment. In addition, the second code module

need not be limited to JAVA, but may be any of a number of languages. Furthermore, since the first code module issues a second command to initiate execution of the second code module, the invention of claim 1 can operate in a variety of networked environments, other than those with only "http://" -type requests.

For the reasons set forth above, Applicants' operation of said first code module issuing a second command to initiate execution of said second code module at said processor platform, as recited in claim 1, is neither disclosed nor suggested by the Davis. Accordingly, Applicants believe amended independent claim 1 to be allowable.

Claims 2-18 formerly depended directly or indirectly from claim 1. However, this Amendment amends claims 4 and 17 to independent form, and claims 5 and 6 depend directly or indirectly from amended independent claim 4. In addition, as noted above, claim 7 is being canceled. Accordingly, the remaining claims 2-3, 8-16, and 18 that depend directly or indirectly from amended independent claim 1 are believed allowable for the reasons set forth in connection with claim 1.

Amended independent claim 4 includes the limitations of downloading the Web page at a processor platform and automatically executing a first code module embedded in the Web page, the first code module issuing a command to retrieve a second code module. Information characterizing at least one of the processor platform and the Web browser is received at a server system and the second code module is assembled at the server system in response to the information, the second code module having a service response. Further limitations of claim 4 include downloading the second code module to the processor platform and initiating execution of the second code module at the processor platform.

Regarding claim 4, the Office Action alleges that Davis teaches a method further comprising receiving at the server system information characterizing at least one of the processor platform and Web browser. The Office Action further alleges that Davis teaches of assembling the second code module in response to the information. Applicants respectfully assert that Davis fails to teach or suggest assembling the second code module in response to the information characterizing at least one of the processor platform and Web browser.

As discussed in connection with claim 1, when the second Davis URL is construed to be a first code module that causes retrieval of a second code module, then the second code module, as taught by Davis is a JAVA applet tracking program. This JAVA applet tracking program is downloaded to the Davis client machine and execution of this JAVA applet tracking program is initiated at the client machine. The Davis CGI script executed at the server can collect information from the client such as browser type, network ID, client ID (cookie), and so forth. However, this information does not influence the Davis JAVA applet tracking program. That is, a conventional JAVA applet is not assembled in response to information characterizing the client machine and/or Web browser. Rather, a JAVA applet is a single functional code module. This single functional code module, i.e., the Davis JAVA applet tracking program, is primarily the same code module throughout all calls to the rendering server, and a JAVA interpreter integrated into the client's browser generates code compatible with and executable by the browser. Unfortunately, if the client's browser is not JAVA compatible, the JAVA applet tracking program may be unused and may cause the possible "crash" of the particular computer system's Web browser.

In contrast, Applicants' second code module of independent claim 4 is assembled in response to information characterizing the processor platform and/or the Web browser. Accordingly, Applicants' invention of claim 4 is an improvement over techniques such as that taught by Davis because Applicants' invention enables the appropriate controls or runtime code to be loaded in a particular processor platform and/or Web browser environment. As such, the content can be tailored to the type of user (processor platform and/or Web browser).

As discussed above, Davis fails to teach or suggest Applicants' invention of claim 4 of assembling the second code module at a server system in response to information characterizing at least one of the processor platform and the Web browser. The Davis reference does teach of the CGI script executed at the server collecting information, such as browser type, network ID, and client ID (cookie). Such information collection is indeed standard in many Web-based applications or functions. This information can be used by the server to help identify web users, to hold information temporarily in a client's browser, to enable a web server to pass short bits of information from the web server back to the client, and so forth.

However, in the invention of claim 4, the received information characterizing at least one of the processor platform and the Web browser is not merely used to identify the web user. Rather, the information is used to render the second code module back to the processor platform, i.e., "assembling said second code module in response to said information."

If information is collected at the Davis server that includes information characterizing at least one of the processor platform and the Web browser, the Davis server would be informed of a particular Web user, but would be unable to influence the outcome

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of a second code module (i.e., claim 4 recitation of "assembling said second code module in response to said information"). That is, knowledge of the Web browser and processor platform cannot be employed by the Davis methodology because a Java interpreter integrated into the user's browser generates code compatible with and executable by the browser. Consequently, Davis fails to teach or suggest Applicants' invention of claim 4 since collection of processor platform and Web browser information at the Davis server cannot influence the assembly of the Davis JAVA applet tracking program. Thus, Applicants believe amended independent claim 4 to be allowable.

Amended independent claim 17 includes the limitations of downloading the Web page at a processor platform and automatically executing a first code module embedded in the Web page. The first code module issues a command to retrieve a second code module and the second code module, having a service response, is assembled, the service response being a metaphor. Execution of the second code module is initiated at the processor platform and the metaphor is displayed in connection with the Web page on the processor platform. The invention of claim 17 further calls for detaching the metaphor from the Web page and displaying the metaphor disassociated from the Web page.

Regarding amended independent claim 17, the Office Action alleges that Davis teaches the operations of detaching the metaphor from the Web page and displaying the metaphor disassociated from the Web page. The Office Action cites a passage at col. 14, lines 11-21 as including the alleged teaching.

Applicants respectfully assert that Davis fails to teach or suggest the invention of independent claim 17. In particular, Davis fails to teach or suggest detaching the metaphor from the

Web page and displaying the metaphor disassociated from the Web page, despite Office Action allegations to the contrary.

The passage cited in the Office Action teaches that the information included in an ad banner may enable to user to interact in different ways with the banner. The information may include links to interactive games, links to entertainment information, sports-related games and/or trivia, information concerning particular goods and services, or means by which to order or purchase specific goods and services. The Office Action construes the links to, for example, interactive games, entertainment, and so forth, as leading to detachment.

In terms of the World Wide Web, a link generally refers to any highlighted words or phrases in a Web page, or hypertext document, that allow a user to jump to another section of the same Web page or to another Web page. Thus, one could interpret a link as leading to detachment from a current Web page when the user jumps to another Web page. However, claim 17 recites the limitation of detaching the metaphor from the Web page.

Well-established patent practice dictates that subject matter which only the inventor teaches cannot be used against its teacher. As stated in W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 312-13 (Fed. Cir. 1983), cert denied, 409 U.S. 851 (1984) :

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.

Claim 17 does not merely include a limitation directed toward detaching from a current Web page to "jump" another Web page.

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Rather, in claim 17, the metaphor that was displayed in connection with Web page is detached from the Web page.

Moreover, claim 17 includes the further limitation of displaying the metaphor disassociated from the Web page. Davis utterly fails to teach or suggest detaching the metaphor from the Web page and displaying the metaphor (e.g. ad banner) disassociated from the Web page, as recited in claim 17. That is, a general teaching of information in an ad banner that may include links to interactive games, entertainment information, sports-related games, and so forth in no way suggests that the Davis ad banner is somehow displayed disassociated from the Web page in which it first appeared. Rather, it is only Applicants which teach the claimed feature.

Accordingly, for the reasons set forth above, Applicants believe that the invention of amended independent claim 17 is neither anticipated by nor rendered obvious in view of Davis and that independent claim 17 is believed to be allowable over Davis.

Independent claim 18 recites a computer readable code module for adding function to a web page. The computer readable code module includes means for communicating a Web address of the Web page to a server system to initiate a download of a second computer readable code module to the client machine. The code module further includes means for commanding an assembly, at the server system, of the second computer readable code module containing a service response related to the Web page, means for commanding a download of the second computer readable code module to the client machine, means for initiating execution of the second computer readable code module following the download of the second computer readable code module, and means for providing a comment tag informing the Web browser to ignore the initiating means.

The Office Action asserts that Davis teaches the claimed computer readable code module. Applicants believe the invention of claim 19 is neither taught nor suggested by Davis for the reasons set forth in connection with claim 1. In particular, the Davis second URL (as a computer readable code module) that is used to fetch the JAVA applet does not include means for initiating execution of the Java applet tracking program. Rather, per convention, the Davis JAVA applet is executed from the Browser at the client machine, rather than from the Davis second URL. Accordingly, Applicants believe claim 19 to be allowable. Claim 20 depends from claim 19 and is believed to be allowable by reason of dependency.

This Office Action rejects claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Ong, U.S. Publication No. 2005/00108626. Ong teaches of a method and apparatus for providing persistent storage of Web resources.

The Office Action acknowledges that Davis fails to teach the method as claimed in claim 9 [sic]. Since this rejection and reasoning are applied to claim 10, Applicants presume the Examiner meant to refer to claim 10. The Office Action alleges, then, that Ong teaches the limitations of claim 10. The Office Action concludes that it would be obvious to implement the teachings of Ong at the Davis Server B to allow a user to refer to any Web address with a precise target time, thus allowing the Web to be an organized and reliable reference source, much like paper-based media.

Claim 10 depends from claim 9, which in turn, depends from amended independent claim 1. Accordingly, claim 10 is believed allowable for the reasons set forth in connection with claim 1. Claim 11 depends from claim 10. Thus, claim 11 is believed allowable by reason of dependency.

Claims 21-38 are being added to further clarify Applicants' invention. In particular, independent claim 21 includes limitations directed toward automatically executing a first code module embedded in a Web page downloaded at a processor platform, wherein execution of the first code module initiates retrieval of a second code module. Information from the processor platform is received at a server system, and the server system provides the second code module. The second code module has a service response formed in response to the information. The second code module is downloaded to the processor platform and execution of the second code module is initiated at the processor platform.

Independent claim 21 is believed allowable over the cited prior art for the reasons set forth above in connection with claim 4. More specifically, Davis fails to teach or suggest of a second code module having a service response formed in response to information provided from the processor platform to the server system.

That is, the Davis CGI script executed at the server can collect information from the client (i.e., processor platform) such as browser type, network ID, client ID (cookie), and so forth. However, this information does not influence the Davis JAVA applet tracking program since a conventional JAVA applet does not have a service response formed in response to information from the client (i.e., the processor platform). Rather, a JAVA applet is a single functional code module. This single functional code module, i.e., the Davis JAVA applet tracking program, is primarily the same code module throughout all calls to the rendering server, and a JAVA interpreter integrated into the client's browser generates code compatible with and executable by the browser. Unfortunately, if the client's browser is not JAVA compatible, the JAVA applet tracking

program may be unused and may cause the possible "crash" of the particular computer system's Web browser.

Accordingly, new independent claim 21 is believed allowable for the reasons set forth above. New claims 22-30 depend from claim 21 and are believed allowable by reason of dependency.

Independent claim 31 includes limitations directed toward a media appliance metaphor for adding media function to a Web page. The metaphor comprises a software device of a graphic representation of a real world counterpart for display in connection with a Web page. The metaphor is formed by a server system as a service response in response to information provided by the processor platform to the server system.

Claim 31 is also believed allowable for the reasons set forth above. In particular, Davis fails to teach or suggest of a service response formed in response to information provided from the processor platform to the server system. Claims 32-39 depend directly or indirectly from claim 31 and are believed allowable by reason of dependency.

Accordingly, this Amendment amends claims 1, 2, 4, 8, and 17, cancels claim 7, and adds claims 21-39. Currently amended claims 1, 2, 4, 8, and 17 remain in the application and are believed to be allowable. In addition, claims 3, 5, 6, and 9-16 and 18-20 remain in the application as originally submitted and are believed to be allowable. Likewise, new claims 21-39 are believed to be allowable.

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Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections objections recited in the 27 October 2006 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,



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